

Appl. No. 09/886,893
Atty. Docket No. 8591
Amdt. Dated May 6, 2004
Reply to Office Action of January 7, 2004
Customer No. 27752

REMARKS

Applicants wish to thank Examiner Befumo for the telephone interview on April 27, 2004. As discussed in the interview, Applicants have amended the rejected claims to further define the invention.

Claims 1, 3-8, 11-15, 17-20, and 23-26 are pending in the present application. It is believed that the amendments to Claim 1 do not involve any introduction of new matter. Support for the amendment is found throughout the specification. Consequently, entry of these changes is believed to be in order and is respectfully requested.

Obviousness Double Patenting

The Examiner has rejected Claims 17-20, 25, and 26 for obviousness-type double patenting over Claims 21 and 24-31 of co-pending Application No 09/584,676; over Claims 1-7, 9-15, and 24-26 of co-pending Application No. 09/886,740; over Claims 1-10 of co-pending Application No. 09/886,828; over Claims 1-20 of co-pending Application No. 09/886,830; and over Claims 1, 3-7, 10-13, and 21 of co-pending Application No. 09/886,831. Pursuant to M.P.E.P. §1490, Applicants enclose an appropriate Terminal Disclaimer compliant with 35 U.S.C. §253 and 37 C.F.R. §3.73.

Rejection Under 35 USC 103

The Examiner states that Claims 1, 2, 4-6, and 23 have been rejected under 35 USC 103(a) as being unpatentable over Benson, et al. (U.S. Patent No. 5,628,097) (hereinafter referred to as "Benson"). To establish a *prima facie* case of obviousness, the prior art reference (or references when combined) must teach or suggest all the claim limitations. Applicants submit that Benson does not meet this requirement.

Applicants assert that Benson does not teach or suggest all of the claim limitations. Benson discloses a method for aperturing a nonwoven web (abstract). Benson discloses that the nonwoven web may be a laminate or a single layer. Benson provides a three layer example in which the outlayers are spunbond and the central layer is a meltblown (column 7, lines 26-42). The present invention, as required in amended Claim 1, requires that a first and second web are joined in a face to face relationship through a bond site and are joined about their peripheries. A substance is disposed in the void space between the first and second webs. One having ordinary skill in the art would not have been motivated by the disclosure in Benson to develop the

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presently claimed invention as Benson does not teach or suggest that two webs are joined in a face to face relationship via a bond site.

Allowable Subject Matter

Applicants sincerely thank the Examiner for allowing Claims 11-15, 17-20, and 24-26.

Conclusion

In light of the above remarks, it is requested that the Examiner reconsider and withdraw the rejection under 35 USC 103(a). Early and favorable action in the case is respectfully requested.

Applicants have made an earnest effort to place their application in proper form and to distinguish the invention as now claimed from the applied references. In view of the foregoing,

Applicants respectfully request reconsideration of this application, entry of the amendments presented herein, and allowance of Claims 1, 3-8, and 23 in addition to the currently allowed Claim 11-15, 17-20, and 24-26.

Respectfully submitted,

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